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REMARKS

Claims 5-30 are presently pending in the application. Claims 8-30 have been withdrawn from consideration as directed to a non-elected invention. Claims 5-7 are pending and under examination. Claim 5 has been amended herein.

Claim 5 has been amended to recite that the MDP enzyme is classified as EC 3.4.13.19. The amendment to claim 5 is supported in the specification, for example, at page 77, lines 11-15. Claim 5 has further been amended to incorporate cancelled claim 1. No new matter is introduced by the amendment and entry of the amendment is respectfully requested.

Regarding the Objection to the Specification

The Office Action asserts at page 3, final paragraph, that Table 1 is not found in the specification. Applicants respectfully direct the Examiner's attention to pages 50 and 51 of the specification. Pages 50 and 51 of the specification as filed contain Table 1.

Regarding the Objection to Claims 5 and 7

Claim 5 is objected to as improperly dependent on cancelled base claim 1 (current Office Action, Paper No. 14, page 6, final paragraph). Claim 5 has been amended herein to incorporate cancelled claim 1. Accordingly, withdrawal of the objection to claim 5 is respectfully requested.

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Claim 7 is objected to as improperly dependent on rejected claim 5 (current Office Action, Paper No. 14, page 6, final paragraph). Claim 5 has been amended herein and Applicants, based on the personal interview on July 29, 2003, expect removal of the pending rejection under 35 U.S.C. § 112, first paragraph. Accordingly, withdrawal of the objection to claim 7 is respectfully requested.

Rejections under 35 U.S.C. § 112, First Paragraph

The objection to the specification and corresponding rejection of claims 5-7 under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification so as to enable one skilled in the art to practice the claimed invention is respectfully traversed. Applicants respectfully submit that the specification enables the full scope of claims 5-7.

In *Johns Hopkins Univ. v. CellPro, Inc.*, 152 F.3d 1342, 47 U.S.P.Q.2d 1705 (Fed. Cir. 1998), the Federal Circuit clearly stated that routine experimentation does not constitute undue experimentation:

The test [for undue experimentation] is not merely quantitative, since **a considerable amount of experimentation is permissible**, if it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed to

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enable the determination of how to practice a desired embodiment of the invention claimed.

*Id.* (Emphasis added) (citing *PPG Indus., Inc. v. Guardian Indus. Corp.*, 75 F.3d at 1564, 37 U.S.P.Q.2d at 1623); see also *In re Wands*, 858 F.2d at 736-40, 8 U.S.P.Q.2d at 1403-07.

Applicants thank the Examiner for the time and courtesy extended to Applicants' representative during the personal interview on July 28, 2003. Briefly, during the interview the Examiner agreed to favorably consider amendment of claim 5 to recite that the homing molecule has the ability to specifically bind the MDP classified by the Enzyme Commission Classification number EC 3.4.13.19.

Applicants respectfully submit that only routine methods, not requiring undue experimentation, would be necessary for the skilled person to practice the claimed methods. As discussed extensively during the interview, amendment of claim 5 to recite that the homing molecule has the ability to specifically bind the MDP enzyme classified by the Enzyme Commission Classification number EC 3.4.13.19, enables the skilled artisan to use routine assays not requiring undue experimentation to confirm the ability of a homing molecule to selectively directing a moiety to lung endothelium in a subject.

Accordingly, in view of the amendment to claim 5 and the corresponding discussion on July 29, 2003, Applicants respectfully request withdrawal of the objection to the

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specification and removal of the corresponding rejection of claims 5-7 under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification so as to enable one skilled in the art to practice the claimed invention is respectfully traversed.

CONCLUSION

In light of the Amendments and Remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to contact the undersigned attorney with any questions related to this application.

Respectfully submitted,

  
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Astrid R. Spain  
Registration No. 47,956  
Telephone No. (858) 535-9001  
Facsimile No. (858) 535-8949

McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122